



675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: May 15, 2012

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Ron Henrickson, City Manager 

Date: May 2, 2012

Subject: Parkland Dedication Fee Ordinance

Recommendation:

That the City Council:

1. Receive staff's report regarding Parkland Dedication Fees;
2. Open the public hearing, receive public input and deliberate;
3. Direct staff to prepare an Ordinance requiring Parkland dedication fees for all residential subdivisions within the City.

Summary

In May of 2009 the City adopted Resolution No. 1046-2009 (Attachment 1) establishing Parkland Dedication fees for subdivisions subject to the Planned Development combining zone. The Planned Development combining zone was applied to the Fockaert subdivision (Bluff View Estates). The Parkland Dedication fees were established at \$1,500 per dwelling unit.

Staff recently discovered that at the time the Parkland Dedication fees were adopted, the City Council directed staff, Planwest at the time, to prepare and return to the Council with recommendations regarding the "...implementation of fees on other new construction." Included as Attachment 2 are the Minutes from the May 5, 2009 City Council meeting. As the Council is aware, staff has not revisited the implementation of the fees on parcels that are not encumbered with the Planned Development combining zone. At this time staff is requesting the Council to

reaffirm the implementation of Parkland Dedication Fees for all residential subdivision within the City.

Discussion

Cities and counties have been authorized since the passage of the 1975 Quimby Act (California Government Code §66477) to pass ordinances requiring that developers set aside land, donate conservation easements, or pay fees for park improvements. Revenues generated through the Quimby Act cannot be used for the operation and maintenance of park facilities.

The goal of the Quimby Act was to require developers to help mitigate the impacts of property improvements. The act gives authority for passage of land dedication ordinances only to cities and counties. Special districts must work with cities, and/or counties to receive parkland dedication and/or in-lieu fees. The fees must be paid and land conveyed directly to the local public agencies that provide park and recreation services community-wide.

When California voters approved the local property tax relief initiative, Proposition 13 in 1978, property taxes were essentially frozen thus frustrating local government's financing options further. In addition, federal and state mandates without reimbursements also put pressure on already stretched recreation and park agency budgets. Local agencies needed to become more resourceful in locating funding options, and turned to Quimby, Mello-Roos, development impact fees, developer agreements (informal agreements requiring additional exactions) fee concession operations, facility leases, non-profits, commercialization, and competitive grants to sustain their budgets.

Many jurisdictions have found that the Quimby Act provides a consistent means of providing parks for many California communities and helps supplement strained agency budgets. While the Quimby Act is not an "end-all" in being able to provide sufficient dollars for land acquisition and park development, many agencies agree that it's a good start.

Originally, the Act was designed to ensure "adequate" open space acreage in jurisdictions adopting Quimby Act standards (e.g., 5 acres per 1,000 residents). In some California communities the acreage fee can get very high where the property values are high, and many local governments do not differentiate on their Quimby fees between infill projects and green belt developments.

In 1982, the act was substantially amended. The amendments further defined acceptable uses of or restrictions on Quimby funds, provided acreage/population standards and formulas for determining the exaction, and indicated that the exactions must be closely tied (nexus) to a project's impacts as identified through traffic studies required by the California Environmental Quality Act (CEQA).

The 1982 amendment to the Quimby Act was designed to hold local governments accountable for imposing park development fees. Local ordinances must now include definite standards for determining the proportion of the subdivision to be dedicated and/or the amount of the fee to be paid.

Park Development Fee Calculation.

In 2009 the City carefully considered the basis for a Parkland Dedication Fee, and calculated this one-time fee based on residential demand, park land acquisition and development costs. The Quimby Act sets a ratio of 5-acres of parkland per thousand population. Because these fees are population-driven, they apply only to residential development. The City may charge an in-lieu fee under the Quimby Act. The Parkland Dedication Fee covers the cost of land needed for park purposes and parks and recreational facilities. It will develop a per capita amount to cover those costs per the Quimby Act.

Parkland Dedication Fee Calculation

Impact Fee = Cost per Capital x Population per Development Unit

Park Development Fee Cost per Capita Calculation

Acres per Capita ¹	Land Cost per Acre	Cost per Capita ²
0.005	\$125,000	\$625

¹This ratio is set forth by the State Quimby Act.

² Cost per Capita = 0.005 x Cost per Acre

Note: the cost per acre was derived by contacting park managers in other jurisdictions, and local realtors, to estimate the cost of an acre of land potentially suitable for park acquisition and development. The average household size in Humboldt County population per development unit) is 2.4 persons. The calculation for determining cost per residential unit is as follows:

Parkland Dedication Fee Cost per Dwelling Unit Calculation

Cost per Capita	Person per Household	Fee per Household
\$625.00	2.4	\$1,500.00

Alternatives

The Council could chose to not apply the Parkland Dedication Fee to residential subdivisions which are not encumbered by the Planned Development combining zone. Staff does not recommend this alternative. All residential subdivisions in the City, whether or not they are in a Planned Development zone, create a demand for additional park and recreation facilities.

Attachments

Attachment 1: Resolution No. 1046-2009 establishing Parkland Dedication fees for subdivisions subject to the Planned Development combining zone.

Attachment 2: Minutes of the May 5, 2009 City Council meeting.

RESOLUTION NO. 1046-2009
A RESOLUTION OF THE CITY COUNCIL
PARK DEVELOPMENT FEES FOR RESIDENTIAL PLANNED DEVELOPMENT

WHEREAS, the City acknowledges a deficiency in City parkland and, due to limited public revenues available to acquire parkland from general funds and other City-wide sources, the City must look to development fees to offset park land acquisition costs; and

WHEREAS, requiring parkland dedication or payment of park in lieu fees, consistent with the State Quimby Act, is a viable mechanism to increase City parkland, and

WHEREAS, fees in lieu of parkland dedication under the Quimby Act will apply only to residential subdivisions as park demand is population-driven; and

WHEREAS, the City has carefully considered the basis for a park development impact fee, and calculated this one-time impact fee based on residential demand, parkland acquisition costs and equitable apportionment of costs using a Quimby Act based fee formula to determine costs; and

WHEREAS, the City has set parkland in lieu fees based on the following formula:

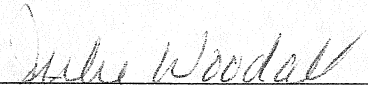
1. Park Lands and Recreation Facilities; Impact Fee = Demand factor x Cost per Capita x Population per Development Unit; and

WHEREAS, the City of Rio Dell as a municipality is authorized to collect impact fees and has held a public hearing on the matter.

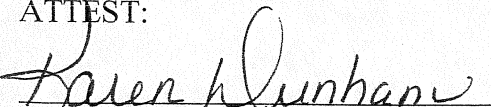
NOW, THEREFORE, BE IT RESOLVED, that the City Council does hereby authorize creating and collecting a park development impact fee on residential planned development, of \$1,500.00 per residential unit, to be used to acquire parkland for the City of Rio Dell.

PASSED AND ADOPTED by the City Council of the City of Rio Dell on this 5th day of May, 2009 by the following vote:

Ayes:	Mayor Woodall, Councilmembers Barsanti, Dunker, Marks and Thompson
Noes:	None
Abstain:	None
Absent:	None


Julie Woodall, Mayor

ATTEST:


Karen Dunham, City Clerk

ATTACHMENT 1

ORDINANCES/SPECIAL RESOLUTIONS

Approve Resolution No. 1046-2009 Establishing Fees Charged to Planned Development Projects for Park Development

George Williamson, Contract City Planner explained this resolution will create and authorize the collection of park development impact fees on residential planned development (PD) of \$1,500 per residential unit, to be used to acquire parkland for the City. He stated the City is in need of more parks and requiring parkland dedication or payment of park in lieu fees, consistent with the State Quimby Act, is a viable mechanism to rectify this situation.

He said the park development fees as presented were quantified, 1 using documented population and land acquisition costs which allows the City an equitable way to calculate the cost for charging new residential planned developments. The fees will be required to be paid by the developer prior to recordation of the final parcel map or issuance of a building permit.

George noted that these type of fees are charged in most municipalities, in recognition of dwindling public revenues that limit the City's ability to maintain public infrastructure improvements otherwise provided by the General Fund.

Councilmember Dunker asked if this resolution was passed through the Parks & Recreation Commission for input; City Manager Flemming stated it was her understanding that it was only discussed with the City Council and Planning Commission.

Councilmember Marks asked if the use of the fees were restricted to land acquisition or if it could be utilized to development existing city property; George explained the intent of the language was that it could be used either for acquisition of new parkland or development of existing parkland areas.

Councilmember Barsanti asked if the fee would apply to existing individual lots; George explained the fee would only be assessed on parcels within the Planned Development Overlay zone but if the Council desired could implement a citywide impact fee for parks. He said the Council should also consider establishing impact fees for streets, drainage and lighting.

Councilmember Dunker asked if additional impact fees would discourage development during these hard economic times and if the fees could be layered over a few years to minimize the impact; George stated the Parkland in-lieu fee would most likely not affect development as the apportionment can be passed on to the buyer and financed with the mortgage.

City Manager Flemming stated the Council could consider approving the resolution for Parkland Development fees but create provisions for potential discounts during tough economic times.

MAY 5, 2009 MINUTES

Page 3

Mayor Woodall said she liked the idea of implementing these fees for Planned Development projects initially, then coming back to the Council at a future date to consider possible implementation of fees on other new construction.

Finance Director Beauchaine stated if the Council approves the resolution, staff would come back to the Council for approval of the establishment of a Park Development Fund and any money collected would be put into that fund and restricted for that use only.

Councilmember Barsanti commented that most other cities collect school fees and other fees such as drainage impact fees and said the longer the City waits to impose development fees the longer it will take to see any improvement to our parks and said although this is a step in the right direction, we still need to move forward with implementation of other development fees such as drainage impact fees.

Motion was made by Dunker/Marks to approve Resolution No. 1046-2009 *Park Development Fees for Residential Planned Development*. Motion carried 5-0.

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



TO: Honorable Rio Dell City Council

FROM: Ron Henrickson, City Manager *RH*

DATE: May 15, 2012

SUBJECT: Approval of Letter Supporting Eel River Basin Plan Amendment

ATTACHMENTS: Letter to North Coast Regional Water Quality Board (NCRWQB)

Council Action:

- A. By motion authorize the Mayor to sign the letter to the North Coast Regional Water Quality Board.
- B. Take no action.

Background:

Two years ago in conjunction with planning for the new wastewater treatment facility I explored whether the City could upgrade treatment to tertiary standards and continue to discharge to the Eel River in the summertime. I felt that the cost of tertiary treatment was far less than the cost of piping treated water across the River and developing a disposal field and the City could save millions of dollars. Returning clen water to the river I also felt made good environmental sense. However, I was told by the NCRWQB that amending the Basin Plan could take up to seven years which was well beyond our timeframe. Twenty-five years ago when the Basin Plan was adopted the technology wasn't available to economically treat wastewater to tertiary standards but it is today.

We recently learned that Fortuna is spearheading an effort to amend the Basin Plan because the City will soon be required to develop off river disposal similar to the requirements imposed on Rio Dell. This will no doubt be costly exercise.

Unfortunately, Fortuna does not expect any decision until next summer or later and by then our project will be virtually complete though an amendment may provide the City alternative means of disposal.

The attached letter supports the effort to amend the Basin Plan provided tertiary treatment is required since our water intake is downstream of Scotia's discharge point and in the summer with greatly reduced water flow we would want to make sure the river is a suitable source for drinking water.

Financial Impact:

If the Basin Plan Amendment is eventually adopted it would provide the City an alternative for summertime treated wastewater disposal that could be more economical although a study would be required prior to making that determination.

City Manager Recommendation:

The City Manager supports the effort to amend the Eel River Basin Plan.

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



WDID-NO. 1B831340- HUM

May 15, 2012

Matt St. John, Executive Officer
North Coast Regional Water Quality Control Board
5550 Skylane Blvd. Ste. A
Santa Rosa, CA 95403

**Subject: Proposal to Amend the North Coast Basin Plan by Establishing Exception
Criteria to the Seasonal Discharge Prohibition**

Dear Mr. St. John:

The City of Rio Dell City Council is supporting an Amendment to the Eel River Basin Plan which would allow site specific use of treated wastewater to enhance the beneficial uses of regional surface waters while continuing to protect water quality throughout the region.

Many of the surface waters, rivers and streams, in the North Coast Region do not meet Water Quality Standards and are listed as Impaired – for various pollutants including: Sediment, Temperature, Nutrients, lack of DO, and Pathogens. Currently the rivers and streams of the North Coast are regularly suffering low flow conditions. This situation amplifies Impaired Status from pollutants.

We support the use of treated wastewater meeting Nutrient, DO, Sediment, and Pathogen limits as established by the North Coast Regional Water Quality Control Board to protect and enhance the beneficial uses of the Eel River and its tributaries by augmenting summertime flows and restoring the beneficial uses associated with the summertime use of the river.

Basin Plans, and amendments, are subject to Cal Water Code (Porter-Cologne Act, §13242 Implementing Program). These Water Code requirements mandate inclusion of descriptions of actions to take place to maintain *or recover* Water Quality Standards, a timeline for implementation, and monitoring to assure compliance with the stated program. This Water Code mandate suggests that efforts to recover surface water beneficial uses, including a Site Specific Exception to the Seasonal Discharge Prohibition, complete with implementation and monitoring plans, are in the best interest of the region and are consistent with water quality objectives.

We propose such an amendment include a re-opener clause in the event new information about unregulated contaminants becomes available and new regulations are needed, and ask that the Board meet with Basin Dischargers to review the contaminant limits necessary for such an exception.

Our only concern is that discharge to the Eel River in the summer months meets tertiary water quality standards because, in the case of Rio Dell, our drinking water river intake is located downstream and in close proximity to Scotia's wastewater discharge. In the summer months with low river volume it is imperative that the public health of Rio Dell citizens is not jeopardized by upstream discharge.

We would also like to point out that the City is currently under construction of a new wastewater treatment plant which includes cross-town underground piping and the development of a disposal field. In our opinion if direct discharge of tertiary water into the Eel River would have been an option for the City the total facility costs could have been reduced by millions of dollars not to mention the maintenance costs the City will incur over the next 30 years for the pipeline and disposal field. This does not take into consideration the potential environmental risk and costs should a major earthquake result in major pipe failure.

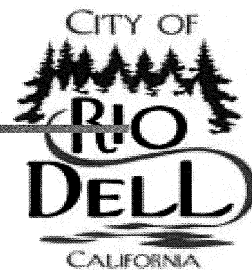
If you have any questions or need additional information, please feel free to contact our Chief Plant Operator, Rich Chicora at (707) 407-8617 or myself.

Sincerely,

Julie Woodall,
Mayor

Cc: City Council

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



TO: Honorable Rio Dell City Council

FROM: Ron Henrickson, City Manager *WH*

DATE: May 15, 2012

SUBJECT: Approval of Wildwood Streetscape Landscape Design

ATTACHMENTS: Wildwood Streetscape Landscape Design

Council Action:

- A. By motion direct the City Manager to continue to develop bid specifications for the Wildwood Avenue streetscape based on the attached draft concept design landscape plan.
- B. Take no action.

Background:

At the May 1, 2012 Council meeting the City Manager was directed to proceed with the streetscape design process based on the approved concept design plan. The project will be funded by the State with construction during late summer. The next step in the process was to develop a landscape plan. The attached draft concept design was prepared with assistance from Doug Deppe from Miller Farms Nursery in McKinleyville. The plan provides for trees and prominent ground cover to create an attractive visual presentation with minimum maintenance. In addition the design incorporates a unique water feature which adds a three dimensional character to the design.

Financial Impact:

All the costs of the project are funded by a State grant.

*675 Wildwood Avenue
Rio Dell, CA 95562*



TO: Mayor and Members of the City Council

THROUGH: Ron Henrickson, City Manager

FROM: Stephanie Beauchaine, Finance Director

DATE: May 1, 2012

SUBJECT: Resolution 1154-2012 Minimum Fund Balance Policy

RECOMMENDATION

Approve Resolution 1154-2012 Establishing a Minimum Fund Balance Policy

BUDGETARY IMPACT

Sets a target Fund Balance Reserve level of 30% and a minimum of 15%.

BACKGROUND AND DISCUSSION

Staff has prepared a minimum Fund Balance Policy of 15% with a target of 30% of operating expenditures in each of the major operating Funds including but not limited to the General Fund, Street Funds, and Enterprise Funds.

Setting a minimum and target balance helps the City to maintain its credit worthiness, and to provide for economic uncertainties, disasters or catastrophic events, contingencies for unforeseen operating and/or capital needs, and to maintain cash flow requirements.

The City Manager has determined this to be a substantial amount of working capital and the auditors have approved.

**RESOLUTION NO. 1154-2012
MINIMUM FUND BALANCE
RESERVE POLICY**

WHEREAS, the City of Rio Dell desires to maintain fund balance reserves in the various operating funds at levels sufficient to protect the City's credit worthiness as well as its financial position from unforeseeable emergencies, and to maintain cash flow requirements; and

WHEREAS, the City has evaluated minimum cash flow requirements as well as target goals; and

NOW THEREFORE BE IT RESOLVED, that the City of Rio Dell City Council does hereby adopt the minimum fund balance policy as follows;

1. The City's target fund balance or working capitol balance of all major operating funds including the General Fund, all Streets Funds, and all Enterprise Funds is set at 30% of operating expenditures within that fund.
2. The City's minimum fund balance or working capitol balance for those same funds shall be established at 15% of operating expenditures within each corresponding fund. This is considered the minimum level necessary to maintain and adequately provide for:
 - a. Economic uncertainties and financial hardships or downturns in the economy
 - b. Local disasters and catastrophic events
 - c. Contingencies for unforeseen operating or capitol needs
 - d. Cash flow requirements
3. In order to ensure that the City Council has some discretion in their financial decision making options, these reserves may be reduced from the minimum 15% by a super majority City Council vote, and declaration of a local emergency, to fund unforeseeable financial conditions such as one-time expenditures, or as transition funding in a recessionary economy, or other budget shortfall stop gap measures of a temporary nature.

PASSED AND ADOPTED by the City of Rio Dell on this 15th day of May 2012, by the following roll call vote:

Ayes:
Noes:
Abstain:
Absent:

Julie Woodall, Mayor



ATTEST:

Karen Dunham, City Clerk

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: May 15, 2012

To: City Council
From: Kevin Caldwell, Community Development Director 
Through: Ron Henrickson, City Manager 
Date: May 9, 2012
Subject: CDBG Owner Occupied Rehabilitation Guidelines

Recommendation:

That the City Council:

1. Receive staff's report regarding revisions to the Owner Occupied Rehabilitation Guidelines;
2. Open the public hearing, receive public input and deliberate;
3. Adopt Resolution No. 1153-2012 amending the CDBG Owner Occupied Rehabilitation Guidelines.

Discussion

As the Council is aware, the City took over the administration of the CDBG program last year from the Redwood Community Action Agency (RCAA). As such we requested an electronic copy of the Guidelines from RCAA so they could be revised. The Guidelines were prepared and adopted in 2006. Unfortunately, the Guidelines were not available in WORD format, so staff had to scan and reformat the Guidelines, application and associated handouts. Staff recently completed the reformatting of the Guidelines and discovered that there were some typos, incorrect address references and that some of the information was outdated.

The Guidelines referred to the Uniform Building Code which has been superseded by the adoption of the California Building Code (CBC) in 2010. Of course staff is recommending the Guidelines be amended to correctly reference the CBC.

The Guidelines also referenced the 2006 Income Eligibility and Rental Limitation Requirements. Staff is also recommending the Guidelines be revised to reflect the current 2012 requirements.

In addition, in an attempt to encourage more folks to take advantage of the program, staff is recommending that the City adopt a sliding scale interest rate based on income. The current interest rate for owner occupied rehabilitation loans is 3% simple interest. The City of Arcata recently lowered their interest rate to 1 ½%. Staff is recommending a sliding scale based on household income levels: Extremely Low Income 1%; Very Low Income 2%; Low Income 3%. Interest rate is simple interest deferred for a period up to fifteen (15) years and up to thirty (30) years or time of sale or transfer for homeowners over 65 and/or Extremely Low Income or Very Low Income.

Staff is also recommending that the interest rate for qualified Eligible Owner-Investor Units be amended from the current 7% interest to 5% interest. This recommendation is based on the current market interest rates.

Staff has submitted the proposed revisions to the State for their review and approval. The State has reviewed and preliminarily approved the recommended changes. Once the Council adopts the Resolution amending the Guidelines, the State has indicated that they will formally approve the changes.

Alternatives

The Council could choose to not amend the Guidelines as recommended.

Attachments

Attachment 1: Resolution No. 1153-2012 amending the City's Housing Rehabilitation Program Guidelines.

Attachment 2: Summary of recommended changes.

RESOLUTION NO. 1153 - 2012

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL AMENDING THE 2006
HOUSING REHABILITATION PROGRAM GUIDELINES**

WHEREAS the existing CDBG Housing Rehabilitation Program Guidelines were adopted in 2006; and

WHEREAS The Guidelines currently refer to the Uniform Building Code which has been superseded by the adoption of the California Building Code (CBC) in 2010; and

WHEREAS the Guidelines are hereby revised to reflect the California Building Code; and

WHEREAS the current Guidelines refer to the 2006 Income Eligibility and Rental Limitation Requirements; and

WHEREAS the Guidelines are hereby revised to reflect the current 2012 requirements; and

WHEREAS the current interest rate for owner occupied rehabilitation loans is 3% simple interest; and

WHEREAS in an attempt to encourage more residents to take advantage of the program, the City hereby adopts a sliding scale interest rate based on income; and

WHEREAS the a sliding scale is based on household income levels: Extremely Low Income 1%; Very Low Income 2%; Low Income 3%; and

WHEREAS the interest rate is simple interest deferred for a period up to fifteen (15) years and up to thirty (30) years or time of sale or transfer for homeowners over 65 and/or Extremely Low Income or Very Low Income; and

WHEREAS the interest rate for qualified Eligible Owner-Investor Units is hereby amended from the current 7% interest to 5% interest.

ATTACHMENT 1

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Rio Dell hereby amends the CDBG Housing Rehabilitation Program Guidelines as described herein; and

BE IT FURTHER RESOLVED that the proposed changes will become effective upon written approval from the Department of Housing and Community Development.

PASSED AND ADOPTED by the City Council of the City of Rio Dell at their meeting of February 21, 2012 by the following vote:

I HEREBY CERTIFY that the forgoing Resolution was duly noticed, introduced and approved at a regular meeting of the City Council of the City of Rio Dell on May 15, 2012 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Julie Woodall, Mayor

Karen Dunham, City Clerk

**Proposed 2012
CDBG Housing Rehabilitation Program Guideline Amendments**

4) REHABILITATION STANDARDS...Pg. 3 Guidelines

B) Prioritization of Rehabilitation Needs:

2. Converting to current ~~Uniform~~ California Building Code (~~UBC~~) (CBC) standards: Examples include moving bathroom access to hallways or off of kitchen; stairs and porch upgrades.

5) FINANCING TERMS...Pg. 5 Guidelines

D) Financing Terms for Eligible Owner-Occupied Property...Pg. 6 Guidelines

Financing terms are made flexible to allow for maximum affordability.

- ~~1. The rehabilitation loan will be financed at 3% simple interest deferred for a period up to fifteen (15) years, thirty (30) years for homeowners over 65 and/or very low income.~~
1. The rehabilitation loan will be financed based on a sliding scale based on household income levels: Extremely Low Income 1%; Very Low Income 2%; Low Income 3%. Interest rate is simple interest deferred for a period up to fifteen (15) years and up to thirty (30) years or time of sale or transfer for homeowners over 65 and/or Extremely Low Income or Very Low Income.

E) Financing Terms for Eligible Owner-Investor Units...Pg. 6 & 7 Guidelines

1. Amortized loans with an interest rate of ~~seven~~ five percent (~~7%~~) (5%) will be provided to investors with qualified projects. Up to \$60,000 per unit is available. The term of the loan will be a minimum of 15 years but can be extended out to 30 years if the debt service on the property is too high and a lower payment is needed to allow for all necessary repairs to be done or to make the project financially feasible. The investor must produce documentation showing excessive debt on the property to get any changes to the rates and terms.

INCOME ELIGIBILITY...Pg. 16 Guidelines

TABLE A HUD Income Limits 2006 2012 HUMBOLDT COUNTY								
Household Size	1	2	3	4	5	6	7	8
Maximum Annual Income	\$28,450	\$32,500	\$36,600	\$40,650	\$43,900	\$47,150	\$50,400	\$53,650
Maximum Annual Income	\$34,450	\$37,050	\$41,700	\$46,300	\$50,050	\$53,750	\$57,450	\$61,150

RENT LIMITATION AND TENANCY SCHEDULE AGREEMENT...Pg. 38 Guidelines

4. The following are the maximum rents which may be charged during the first year after rehabilitation has been completed, subject to annual adjustment based on changes in the FMR schedule, notwithstanding any change(s) of ownership or transfer(s) of the property:

Unit #	Unit Size (# of Bedrooms)	Monthly Rent		Utility Costs		Total
	Efficiency	\$455 \$572	+		=	
	1 Bedroom	\$533 \$670	+		=	
	2 Bedroom	\$704 \$882	+		=	
	3 Bedroom	\$1005 \$1265	+		=	

**CITY OF RIO DELL
HOUSING REHABILITATION PROGRAM
RENTAL LIMITATION SCHEDULE...Pg. 42 Guidelines**

2001 2012 Section 8 Fair Market Rent Schedule for Humboldt County:					
No. of Bedrooms	0	1	2	3	4
Rent Limitation	\$455	\$533	\$701	\$1005	\$1113
2012 Rent Limitation	\$572	\$670	\$882	\$1265	\$1401

Schedule of rents at 30% of 80% of median income:					
No. of Persons	1	2	3	4	5
Rent Limitation	\$711	\$812	\$915	\$1016	\$1097

At no time can the rent of a tenant exceed the Fair Market Rent Schedule. These guidelines are updated every year and may change. If you wish to check the status of the schedule call the City and ask them to check the status of the schedule. Also, if you have any questions about the schedule or program, please call the City at (707) 764-3532.

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



To: Honorable City Council

Through: Ron Henrickson, City Manager *RH*

From: Randy Jensen, Water Superintendent

Date: May 15, 2012

Subject: Cross Connection Control Ord. No. 288-2012

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Receive staff report, open public hearing and receive public input, and make a motion to introduce and conduct first reading (by title only) of Ord. No. 288-2012 (Cross Connection Control), repealing Ord. No. 196.

BACKGROUND AND DISCUSSION

The Cities existing Cross Connection Control Ordinance is in need of revisions and updates to bring it into compliance with current California Water Quality Control Board requirements. As a result of the current requirements we are recommending the City adopt the attached ordinance to come into compliance.

BUDGETARY IMPACT

None

ATTACHMENTS

- Cross Connection Control Ord. No. 288-2012

ORDINANCE NO. 288-2012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL REPEALING AND REPLACING ORDINANCE 196 (CROSS CONNECTION CONTROL) OF THE RIO DELL MUNICIPAL CODE

Rio Dell Chapter 13.15 CROSS CONNECTION CONTROL

Sections:

<u>13.15.010</u>	Purpose.
<u>13.15.020</u>	Application.
<u>13.15.030</u>	Enforcement.
<u>13.15.040</u>	Definitions.
<u>13.15.050</u>	Cross connections prohibited.
<u>13.15.060</u>	Installation of backflow prevention device.
<u>13.15.070</u>	Types of backflow prevention device required.
<u>13.15.080</u>	Location.
<u>13.15.090</u>	Installation.
<u>13.15.100</u>	Approved backflow devices.
<u>13.15.110</u>	Inspections.
<u>13.15.111</u>	New service requirements
<u>13.15.112</u>	Water system survey.
<u>13.15.113</u>	Customer notification - Assembly installation.
<u>13.15.114</u>	Customer notification - Testing and maintenance.
<u>13.15.120</u>	Right of entry for inspections.
<u>13.15.130</u>	Termination of services.
<u>13.15.140</u>	Rates.

13.15.010 Purpose.

*The purpose of this chapter, in conjunction with Section 1003 of the Uniform Plumbing Code and the State of California Public Health Administrative Code, Title 17, is to protect the public health by the control and prevention of actual and potential cross connection (1) by requiring the proper installation and safeguarding of service lines leading to premises where cross connections exist or are likely to occur; (2) by periodic inspecting; (3) by regulating plumbing within premises to minimize the danger of contamination to the water system on the premises or the public water system itself. [Ord. 196 § 1, 1988.]

13.15.020 Application.

This regulation applies throughout the City to all premises and the owners and occupants thereof served by the City's water system. It applies to all systems installed prior to or after its enactment. Every owner and every occupant of premises covered by this regulation is responsible for compliance with its terms

and shall be strictly liable for all damages incurring as a result of failure to comply with express terms and provisions contained herein. [Ord. 196 § 2, 1988.]

13.15.030 Enforcement.

The Director of Public Works will administer the provisions of this chapter. Any deviation, modification, changes from standard or approval of methods and material shall be by the Director. [Ord. 196 § 3, 1988.]

13.15.040 Definitions.

The following definitions will apply to interpretation of this chapter:

"Air gap separation" means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level diameter of the supply pipe measured vertically above the flood level rim of the vessel. In no case may the gap be less than one inch.

"Auxiliary supply" means any water source or system other than the public potable water system that may be available in the building or on the premises.

"Backflow" means the reversal of flow, other than in the intended direction into the distribution of the public water system, from a service connection.

(a) "Back pressure" means the backflow caused by a pump, elevated tank, boiler, or other means that could create pressure within the system greater than the City water supply.

(b) "Back siphonage" means a form of backflow due to a negative or subatmospheric pressure within the water system.

"Backflow prevention device" means an approved device to counteract back pressure or prevent back siphonage.

"Cross connection" means any physical arrangement whereby a public water system is connected directly or indirectly with any other nonpotable water system sewer, drain, conduit, pool, storage, reservoir, plumbing fixture, or other device which contains, or may contain, contaminated water, sewage, or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination into the public water system as a result of backflow. Bypass arrangements, jumper connections, moveable sections, swivel or changeover devices, or other temporary or permanent devices through which, or because of which, backflow could occur are considered to be cross connections.

"Double check valve assembly (DCVA)" means an approved assembly composed of two single, independently acting check valves, including tightly closing shutoff valves located at each end of the assembly and suitable connections for testing the watertightness of each check valve.

"Reduced pressure principle backflow prevention device (RPBD)" means an approved device incorporating two or more check valves and an automatically operating differential relief valve located

between the two checks, two shutoff valves, and equipped with the necessary appurtenances for testing. The device must operate to maintain the pressure in the zone between the two check valves, less than the pressure on the public water system side of the device. At cessation of normal flow, the pressure between the check valves must be less than the supply pressure. In case of leakage of either check valve, the differential relief valve must operate to maintain the reduced pressure by discharging to the atmosphere. When the inlet pressure drops below two pounds per square inch, the relief valve must open to the atmosphere, thereby providing an atmospheric zone between the two check valves. [Ord. 196 § 4, 1988.]

13.15.050 Cross connections prohibited.

Except as provided below, all cross connections, whether or not they are controlled by automatic devices such as check valves or by hand-operated mechanisms such as gate valves or stop cocks, are prohibited.

Failure on the part of persons, firms or corporations to discontinue the use of all cross connections and to physically separate cross connections is sufficient cause for the immediate discontinuance of public water services to the premises. [Ord. 196 § 5, 1988.]

13.15.060 Installation of backflow prevention device.

Backflow prevention devices shall be installed and properly maintained at the service connection or within any premises where in the judgment of the Director of Public Works the nature and extent of activity on the premises, materials used in connection with the activities or materials stored on the premises would present an immediate or potential hazard to the public's health should a cross connection occur, even though such cross connection does not exist at the time the backflow prevention device is required to be installed. This includes:

- (1) Premises having an auxiliary water supply.
- (2) Premises having internal cross connections that are not correctable, or intricate plumbing arrangements which make it impracticable to ascertain whether or not cross connections exist.
- (3) Premises where entry is restricted so that inspection for cross connections cannot be made with sufficient frequency or at sufficiently short notice to ensure that cross connections do not exist.
- (4) Premises having a history of cross connections being established or reestablished.
- (5) Premises on which any substance is handled under pressure so as to permit entry into the public water system or where a cross connection could reasonably be expected to occur. This includes the handling of process waters and cooling waters.
- (6) Premises with commercial or residential water softener units (backwash).

(7) Premises where materials of a toxic or hazardous nature are handled such that if backflow should occur, a serious health hazard may result.

(8) The following types of facilities will fall into one of the above categories where a backflow prevention device shall be installed at these facilities as set forth in the California Administrative Code, Title 17, Public Health, unless the Director of Public Works determines that no health hazard exists:

- (a) Hospitals, mortuaries, clinics;
- (b) Laboratories;
- (c) Sewage treatment plants;
- (d) Food and beverage processing plants;
- (e) Chemical plants using a water process;
- (f) Metal plating industries;
- (g) Petroleum processing or storage plants;
- (h) Radioactive material processing plants or nuclear reactors;
- (i) Car washes;
- (j) Any building or structure three stories or higher;
- (k) Others specified by the certified cross connection specialist. [Ord. 196 § 6, 1988.]

13.15.070 Types of backflow prevention device required.

The type of prevention device required by the City of Rio Dell depends on the degree of hazard which exists, as follows:

- (1) An air-gap separation or reduced pressure backflow prevention device shall be installed where the water supply may be contaminated by sewage, industrial waste of a toxic nature, or other contaminant which would cause a health hazard.
- (2) In the case of a substance which may be objectionable but not hazardous to health, a double check valve assembly, air-gap separation or reduced pressure principle backflow prevention device shall be installed.
- (3) Pressure type vacuum breaker units (spring loaded) are the approved units for City-supplied irrigation systems. The unit must be installed at least 12 inches above the highest fixture point of water usage and in such a manner that drainage will preclude back pressure. [Ord. 196 § 7, 1988.]

13.15.080 Location.

Backflow prevention devices required by this chapter must be installed at the meter, at the property line of the premises when meters are not used or at a location designated by the Director of Public Works. The device must be located so as to be readily accessible for maintenance and testing, and where part of the device will not be submerged or hidden from proper inspection. [Ord. 196 § 8, 1988.]

13.15.090 Installation.

Backflow prevention devices required by this chapter must be installed under the supervision of the DPW. [Ord. 196 § 9, 1988.]

13.15.100 Approved backflow devices.

Any protective device required by this chapter must be a model approved by a hydraulics testing laboratory recognized by the State Department of Health Services, such as the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research, as specified in their latest approved list of backflow devices. [Ord. 196 § 10, 1988.]

13.15.110 Inspections.

Backflow prevention devices must be inspected and tested annually or more often when inspections indicate any occasion of failure. The device must be repaired, overhauled, or replaced whenever it is found to be defective. Inspections and tests must be made by a certified cross connection specialist and the device tagged. Inspections, testing, maintenance and repairs will be at the expense of the owner or occupant. [Ord. 196 § 11, 1988.]. The City of Rio Dell will maintain a list of locally available qualified backflow prevention device testers and will provide the list to customers that are required to test backflow prevention devices.

13.15.111 New Service Requirements.

The City shall review all requests for new services to determine if backflow protection is needed. Plans and specifications must be submitted to the City upon request for review of possible cross-connection hazards as a condition of service for new service connections. If it is determined that a backflow prevention assembly is necessary to protect the public water system, the required assembly must be installed before services will be granted.

13.15.112 Water System Survey.

The City of Rio Dell will periodically conduct necessary surveys of water users to evaluate the degree of potential health hazards. The City of Rio Dell shall notify users when backflow prevention assemblies are required to be installed (Rio Dell Regulation 13.15.113). The City of Rio Dell shall notify users when backflow prevention assemblies are required to be tested (Rio Dell Regulation 13.15.114).

13.15.113 Customer Notification - Assembly installation.

The City will notify the water user of the survey findings, listing the corrective actions to be taken if any are required. A period of 60 days will be given to complete all corrective actions required including installation of backflow prevention assemblies.

A second notice will be sent to each water user who does not take the required corrective actions prescribed in the first notice within the 60-day period allowed. The second notice will give the water user a two-week period to take the required corrective action. If no action is taken within the 2-week period the City may terminate water service to the affected water user until the required corrective actions are taken.

13.15.114 Customer Notification - Testing and Maintenance.

The City will notify each affected water user when it is time for the backflow prevention assembly installed on their service connection to be tested. This written notice shall give the water user 30 days to have the assembly tested and supply the water user with the necessary form to be completed and resubmitted to the City.

A second notice shall be sent to each water user who does not have their backflow prevention assembly tested as prescribed in the first notice within the 30 day period allowed. The second notice will give the water user a two-week period to have his/her backflow prevention assembly tested. If no action is taken within the 2-week period the City may terminate water service to the affected water user until the subject assembly is tested.

Backflow preventers shall be tested immediately after they are installed, relocated or repaired and not placed in service unless they are functioning as required.

13.15.120 Right of entry for inspections.

An authorized employee of the City shall have reasonable access to any premises supplied with water for the purpose of making inspections for cross connection control, inspections of the water system and water meters upon such premises. [Ord. 196 § 12, 1988.]

13.15.130 Termination of services.

When the City of Rio Dell encounters water uses that represent a clear and immediate hazard to the potable water supply that cannot be immediately abated, the procedure for terminating water service shall be instituted. Conditions or water use that create a basis for water service termination shall include, but are not limited to, the following:

1. Refusal to install or to test a backflow prevention assembly, or to repair or replace a faulty backflow prevention assembly.
2. Direct or indirect connection between the public water system and a sewer line.
3. Unprotected direct or indirect connection between the public water system and a system or equipment containing contaminants.

4. Unprotected direct or indirect connection between the public water system and an auxiliary water system.

For condition 1 the City of Rio Dell will terminate service to a water user's premises after proper notification has been sent. If no action is taken within the allowed time period, water service shall be terminated.

For conditions 2, 3, or 4, the City of Rio Dell shall take the following steps:

1. Make reasonable effort to advise the water user of the intention to terminate water service; and
2. Terminate water service and lock service valve. The water service shall remain inactive until correction of the violations has been approved by the City of Rio Dell.

13.15.140 Rates.

Rates will be established or amended, whenever necessary, by resolution of the City Council. [Ord. 196 § 14, 1988.]

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: May 15, 2012

To: City Council

From: Kevin Caldwell, Community Development Director *EC*

Through: Ron Henrickson, City Manager *RA*

Date: April 30, 2012

Subject: Albin General Plan and Zone Reclassification

Recommendation:

That the City Council:

1. Receive staff's report regarding the proposed General Plan and Zone Reclassification;
2. Open the public hearing, receive public input and deliberate;
3. Consider the application and based on information contained in the staff report, the applicant's justification, public comments, the Planning Commission's recommendation;
4. Introduce Ordinance No. 290-2012 and Resolution No. ¹¹⁵⁵1153-A-2012 amending the plan and zoning designation of approximately 3 acres from Community Commercial (CC) to Urban Residential (UR); and continue consideration of the proposed Ordinance and Resolution to your meeting of June 5, 2012 for second reading and adoption; or
5. Adopt Resolution No. ¹¹⁵⁵1153-B-2012 denying the proposed General Plan Amendment and Zone Reclassification designating approximately 3 acres from Community Commercial (CC) to Urban Residential (UR) .

Background and Discussion

Andy Albin has made application to redesignate approximately 3 acres from Community Commercial (CC) to Urban Residential (UR). Included as **Attachment 1** is the applicant's justification for the proposed amendments.

The property was originally planned and zoned Residential Multiple Family (R-3) as part of the City's initial zoning designations after incorporation in 1965. The R-3 zone principally permitted single family, two family and dwelling groups and multiple dwellings for not more than four families.

The property was redesignated in 2004 to Community Commercial. At that time the parcel included some lands to the east of the subject property which was and is designated Urban Residential. In May of 2006, a minor subdivision creating four parcels and a Remainder (the subject parcel) was approved. Sometime in 2008 or 2009 the applicant informally requested the City consider redesignating the parcel from Community Commercial to Urban Residential. At that time, the City chose not to consider amending the land use designations.

As indicated above, the applicant's agent has submitted justification in support of making the required Public Interest and General Plan consistency findings. Below is a summary of the justification:

Public Interest

- Re-zoning to "Urban Residential" would make this parcel compatible with the surrounding existing residential use;
- Residential development will not require modifications to the Gateway improvements adjacent to the parcel;
- Redesignating the parcel to Residential will further encourage commercial development to the Town Center and the Todd parcel;
- Residential development will not detract from the view of the Scotia bluffs and be easy to landscape for privacy

General Plan

- The General Plan encourages commercial development in the Town Center. Consistent with this policy, redesignating the parcel to Residential will further encourage commercial development to the Town Center and the Todd parcel ;
- The General Plan encourages compatible development. Residential development would be more compatible with the existing surrounding residential development.

The Planning Commission considered the application at their meeting of April 25, 2012. Based on information provided to the Commission and comments from the public, the Planning Commission is recommending denial of the proposed amendments at this time. The Planning Commission denied the application for the following reasons:

- Limited amount of available, vacant, viable Community Commercial land;
- Parcel has very good visibility and convenient highway access;
- Existing inventory of residentially designated lands.

Procedures for Plan Amendments

California Government Code § 65350-65362 contains the following procedural requirements to amend a general plan:

- Prior to action to amend a general plan, the proposed action should be referred to and circulated for 45 days to: the City, County, school districts, LAFCo, regional planning agencies, any federal or state agencies, water providers, and Native American tribes with traditional lands located within the City;
- The Planning Commission shall hold at least one public hearing before approving a recommendation on the amendment;
- The Planning Commission shall make a written recommendation on the amendment;
- Prior to amending the general plan, the City Council shall hold at least one public hearing;
- The City Council shall amend the general plan by resolution, which shall be adopted by not less than a majority of the legislative body;
- City Council may approve, modify, or disapprove the Planning Commission recommendations, however any substantial modifications not previously considered by the Planning Commission shall first be referred to the Planning Commission for its recommendation;
- Copies of the adopted general plan amendment shall be made available for inspection by the public one working day following adoption;
- Within two working days after a request, copies shall be furnished to those so requesting;
- Any specific plan or other plan of the City that is applicable to the same areas or matters affected by a general plan amendment shall be reviewed and amended as necessary to make the specific or other plan consistent with the General Plan;

Procedures for Zoning Ordinance Amendments

Pursuant to Section 17.30.010 of the City of Rio Dell Municipal Code, the following City procedures are required to amend the Ordinance:

- An amendment may be initiated by one or more owners of property affected by the proposed amendment, as set out in Section 17.30.010(3), or by action of the Planning Commission, or the City Council.
- The application of one or more property owners for the initiation of an amendment shall be filed in the office of the City Clerk on a form provided, accompanied by a filing fee.
- Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.
- Notice of hearing time and place shall be published once in a newspaper of general circulation at least ten calendar days before the hearing or by posting in at least three public places.

- At the public hearing, the Planning Commission shall hear any person affected by the proposed amendment. The hearing may be continued from time to time.
- Within 40 days of the conclusion of the hearing, the Planning Commission shall submit to the City Council a written report of recommendations and reasons therefore.
- Subject only to the rules regarding the placing of matters on its agenda, the City Council, at its next regular meeting following the receipt of such report, shall cause the matter to be set for a public hearing. Notice of the time and place of the hearing shall be given as provided in Section 17.30.010(5), hereof.
- At the public hearing, the City Council shall hear any person affected by the proposed amendment. The hearing may be continued to a specified future date, but shall be concluded within 60 days of the commencement thereof.
- The City Council shall not make any change in the proposed amendment until the proposed change has been referred to the Planning Commission for a report, and the Planning Commission report has been filed with the City Council.

Plan and Zone Amendment Required Findings:

1. The proposed amendments are deemed to be in the public interest.

The applicant's agent has submitted justification for the proposed amendment which is included as Attachment 1. In regards to the required Public Interest finding, the applicant provided the information below as evidence that the proposed amendment is in the public interest:

"It is in the City's and public's interest to encourage commercial development in the "Town Center" and to discourage a commercial "strip mall" development along Wildwood Ave. Rio Dell is not a destination area which will attract the vacationing public to the City. The "Town Center" area of the City stands to benefit from the attractions, subdivision and industrial uses located in the town of Scotia. Residential use of this area will not create the need for additional access onto Wildwood Ave. Residential use is consistent and compatible with the existing residential neighborhood. "

In addition, the applicant's agent provided the following information as part of the justification included as Attachment 1:

"It was once believed that this parcel's proximity to US 101 would make it an ideal commercial site for serving traffic on the highway. Now, the City has identified a more appropriately located parcel along US 101."

It should be noted that the above reference to the parcel along US 101 is the Todd parcel that the City was pursuing for acquisition and development. However, this parcel was and is already zoned Community Commercial.

Staff Analysis

In order to determine if the proposed amendment is in the public interest, staff believes we need to evaluate the commercial and residential land use inventory for the City. Table 1 below identifies the amount of commercial and residential land within the City.

Table 1
Commercial/Residential Lands

Land Use/Zoning Designation		Acres	% of City
CC	Community Commercial	33	2.6%
NC	Neighborhood Commercial	6.0	0.5%
TC	Town Center	48	3.8%
UR	Urban Residential	323.6	25.3%
SL	Suburban Low	188	14.7%
SR	Suburban Residential*	21.7	1.7%
RR	Rural Residential	334	26.1%

**Does not include approximately 55.5 acres of the Blue Slide Road Annexation*

As the above table indicates, there is ample residential land, approximately 323 acres of lands designated Urban Residential and a total of about 870 acres, to facilitate residential development within the City. At this point in time there doesn't appear to be need for additional residential lands within the City. In contrast there is only about 33 acres designated for Community Commercial development. Please refer to the Land Use Map included as **Attachment 2**.

Again, referring to the current land use inventory only 2.6% or 33 acres of the City is zoned Community Commercial. There are twenty (20) parcels in the City that area zoned Community Commercial. Of those twenty parcels only four are vacant. Please refer to Table 2. Of the four vacant parcels, only one parcel (APN's 052-232-005 & -010); located at the intersection of Davis Street and Ireland Avenue is larger than a 2/3 of an acre or 30,055 square feet. The other three vacant parcels are 6,724 square feet, 8,276 square feet and 14,460 square feet respectively. The 14,460 square foot parcel (APN 052-211-022) is owned by the Baptist Church and is only about 50 feet deep and about 300 feet wide. In addition, although not permanent, the southerly portion of the parcel is developed with the Community Garden and Orchard. Staff believes that the only parcel with realistic commercial development potential is APN's 052-232-005 & -010. This parcel is a little over a 1/3 of an acre and has excellent access and visibility making ideal for future commercial development. Please refer to the map included as **Attachment 3**.

Table 2
Vacant Community Commercial Parcels

Assessor Parcel Number	Size Sq. Ft.	Developed	Use	Frontage Street	Comments
052-211-022	14,460	No	Vacant	Wildwood Avenue	Parcel is 50' +/- deep. Development potential is very limited.
052-222-004	8,276	NO	Vacant	Wildwood Avenue and Center Street	Parcel is limited due to its size.
052-232-041	6,724	NO	Vacant	Davis Street	Parcel is limited due to its size.
052-232-005 & -010	30,055	NO	Vacant	Davis Street and Ireland Avenue	Very good development potential.

According to both the General Plan and Zoning designations, the purpose of the Community Commercial or CC land use and zoning designation is to provide for large-scale commercial uses, including super-markets, offices, lodging and civic uses. In addition, all uses allowed as conditionally permitted uses in the Neighborhood Commercial zone are also principally permitted. Please refer to **Attachments 4 and 5**.

One of the twenty parcels is the Todd parcel discussed above and it does have very high development potential. The Todd parcel is approximately 18 acres and is developed with a single family residence and barn. As indicated above, the City pursued the purchase and subsequent development of the parcel. Although the City offered the property owner \$975,000 for the parcel, the property owner wanted \$50,000 guaranteed should the City not be able to complete the terms of the purchase agreement. As such, staff believes the City should not count on this parcel being developed in the near future.

Notwithstanding the asking price (\$385,000) of the parcel, past subdivisions of the parcel, which reduced its size and the Gateway road improvements along the frontage of the parcel which will require additional expenditures to develop may have an impact on the parcels commercial viability.

The applicant's agent has pointed out that the parcel has been on the market for close to 2 ½ years. However this in itself has little, if any, bearing on the commercial viability of the parcel. Real estate sales in general are down not only in Humboldt County, but throughout the country as well. In addition, the applicant's agent has provided the following justification on support of the proposed amendments:

- *Some commercial uses have developed northerly along Wildwood Ave. towards this site. Further commercial development along Wildwood would continue the fragmentation of the Town Center.*

Staff disagrees. The commercial development of the parcel should not have an impact on the "fragmentation" of the Town Center. In fact, it is staff's opinion that the commercial development of properties adjacent to and visible from Highway 101 will help attract the traveling public to the City, including the downtown area.

- *Commercial development should be encouraged in the Town Center or adjacent to US 101 where it's possible to draw the traveling public.*

Staff agrees. Commercial development should be and is encouraged in the Town Center. However, the Town Center and Community Commercial designations are intended to provide different commercial use types.

- *This parcel does not have good US 101 visibility and any commercial development here would draw business away from Town Center.*

Staff disagrees. The subject parcel and the Todd parcel provide the best highway visibility of any of the parcels designated Community Commercial. Again, staff believes if we can encourage the traveling public to notice commercial/shopping opportunities within the City that it will help attract business to the down town area.

- *Raw land is more easily developed into today's retail/commercial type businesses. Converting existing structures into desirable retail space is difficult with today's building code requirements.*

Staff agrees. This justification actually supports retaining the property as Community Commercial. There are very few vacant parcels in the Town Center designation that can be commercially developed. Again, the Town Center and Community Commercial designations are intended to provide different commercial use types.

- *Another problem with this parcel is that a commercial establishment would want to take access from Wildwood Ave. which the City would prefer not to allow.*

Staff disagrees. Access off of Wildwood Avenue was and is expected as part of any commercial development of the site. In fact, the parcel's location on Wildwood Avenue adjacent to the Highway is one of the parcels attributes that is identified in the parcels multiple listing on the Humboldt Association of Realtors website. Please see **Attachment 6**.

- *Allowing this parcel to develop into a commercial enterprise would weaken the resolve to maintain a core downtown area.*

Staff disagrees. Again, the commercial development of the parcel should not have an impact on the commercial viability of the Town Center. As indicated above, Town Center and Community Commercial designations are intended to provide different commercial use types. Furthermore, as previously indicated it is staff's opinion that the commercial development of properties adjacent to and visible from Highway 101 will help attract the traveling public to the City, including the downtown area.

Based on the above discussion and the applicant's justification, it is staff's opinion that the proposed amendment to change the parcel from Community Commercial to Urban Residential **may not be in the public interest** at this time. However, based on the information provided by the applicant's agent, the Commission could recommend that the proposed amendment is in the public interest.

2. The proposed amendments are consistent and compatible with the rest of the General Plan and any implementation programs that may be affected.

The purpose of the General Plan is to provide a balance of use types to encourage and facilitate planned orderly development within the City. Below are goals and policies of the General Plan associated with the proposed amendments:

- Promote a variety of commercial uses and allow light manufacturing in appropriate commercial zones.

The various commercial designations are intended to provide a variety of commercial uses. Based on the limited development potential of all lands designated Community Commercial, it is staff's opinion that the removal of Community Commercially designated lands may be premature at this time. Should base information and/or community values and assumptions change, it would certainly be reasonable to reevaluate land use designations throughout the City.

- Provide sufficient land for business expansion and attraction of new employers by designating a mixed use corridor along Wildwood Avenue and in the Town Center.

As previously discussed and documents, staff believes there is a very limited supply of suitable land designated Community Commercial, especially Community Commercial land visible and adjacent to Highway 101 and commercial land along the City's major thoroughfare.

- Encourage infill development of vacant and underutilized land in the Town Center before amending the General Plan to allow additional commercial and residential land elsewhere.

Staff believes amending the General Plan and Zoning designation from Community Commercial to Urban Residential would conflict with this adopted policy. However, it could be argued that amending the land use designation as requested could facilitate additional commercial development in the Town Center.

- Monitor market demand for residential land and consider, where appropriate, changes in the City General Plan Land Use Element and Zoning to ensure a balance in residential uses and densities.

The applicant's agent has pointed to the fact that the parcel has been on the real estate market for over 2 ½ years. This could indicate that the demand for commercial land in Rio Dell is not present.

At this point in time based on existing General Plan goals and policies, staff believes the proposed amendments **may not be consistent the General Plan** and its implementation policies and programs. However, the Commission could recommend approval if they believe the proposed amendments would result in focusing commercial development in the Town Center, which is consistent with an overall comprehensive view of the General Plan.

3. The potential impacts of the proposed amendments have been assessed and have been determined not to be detrimental to the public health, safety, or welfare.

There is no evidence to suggest that the proposed amendments would be detrimental to the public health, safety or welfare.

4. The proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA).

State law requires that any amendment of a general plan comply with the California Environmental Quality Act (CEQA). The primary purpose of CEQA is to inform the decision makers and the public of potential environmental effects of a proposed project. Since the project is a discretionary action subject to CEQA, an Initial Study has been prepared to assess environmental factors that could potentially be affected by the project. Because residential development of the site is a "foreseeable" project under the proposed amendments, staff evaluated the impacts of residential development on the site. Through preparation of the Initial Study, it has been found that there will not be a significant effect in this case because features of the project reduce impacts and mitigation measures have been included to further reduce impacts to a less than significant level. These measures are documented in the Initial Study and Draft Mitigated Negative Declaration which has been prepared and is attached to this staff report as **Attachment 7**. The Notice of Intent to adopt a Mitigated Negative Declaration (finding of no significant adverse environmental effect) on the project was mailed and posted on February 28, 2012. Pursuant to Section 15073 of the CEQA Guidelines requires that the public review period be not less than 20 days.

Financial Impact

The applicant is responsible for the costs associated with the proposed amendments.

Alternatives

The City Council may approve in whole or in part or deny of the proposed amendments. Should the City Council believe the required findings can be made; the Council should introduce the draft Ordinance and Resolution and continue the hearing to the meeting of June 5, 2012 for the second reading, approval and adoption. Should the City Council believe the required findings cannot be made; the Council should approve and adopt Resolution No. 1153-B-2012 denying the proposed amendments.

Attachments

Attachment 1: Applicant's justification regarding the proposed amendments.

Attachment 2: Existing Land Use map.

Attachment 3: Map of the four vacant Community Commercial parcels.

Attachment 4: Community Commercial Development Standards.

Attachment 5: Neighborhood Commercial Development Standards.

Attachment 6: Parcel's Multiple Listing advertisement.

Attachment 7: Initial Study and Mitigated Negative Declaration.

Attachment 8: Draft Ordinance No. 290-2012 and Resolution No. 1153-A-2012 approving the proposed amendments.

Attachment 9: Draft Resolution No. 1153-B-2012 denying the proposed amendments.